

Application No. 10/664,893
Atty. Docket No. 0902-006

REMARKS

Claims 35-54 are pending in the application. Claims 35 and 47 have been amended by the foregoing amendment.

Claims 35-42, 45, 46, 48-50 and 52-54 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,661,752 (Spink et al.). Claims 43, 44 and 51 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Spink et al. in view of U.S. Patent No. 5,002,375 (Hoppl et al.). Applicants respectfully request withdrawal of these rejections and allowance of the pending claims.

Exemplary embodiments are directed to a microscopy system for observing an object by plural observers. As recited in claim 35 for example, the microscopy system comprises at least one objective lens arrangement for receiving an object side beam emanating from an object plane and for transforming the object side beam into an image side beam, a first ocular system arranged to enable a first observer to observe the object by looking into the first ocular system, a second ocular system arranged to enable a second observer to observe the object by looking into the second ocular system and a controller.

The first ocular system comprises at least one first ocular tube having at least one first ocular for generating an image of the object plane from the image side beam and at least one first image projector having a first display for superimposing an image displayed by the first display with a beam path of the first ocular system such that the image of the object plane is perceived by the first observer in superposition with the image of the first display.

The second ocular system comprises at least one second ocular tube, distinct from the at least one first ocular tube, and having at least one second ocular for generating an image of the

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object plane from the image side beam, wherein at least one optical setting of the first ocular system is adjustable independently of a corresponding optical setting of the second ocular system.

The controller is configured to generate the image displayed by the first display of the first ocular system from a first input image based on the at least one optical setting of the first ocular system and from a second input image independent of the at least one optical setting of the first ocular system wherein the controller comprises an image combining unit for generating the image displayed by the first display.

The Office Action relies on Spink for disclosing one image projector having a display and a controller configured to generate the displayed image from a first input image based on the optical setting of the first ocular system, and a second image based on the optical setting of the second ocular system. Spink is also relied upon for disclosing the controller being configured to generate the displayed image from a second input image independently of the optical setting.

According to Spink, image display 16 serves to provide both users of the microscope with "additional information" (col. 7, lines 10-11). Spink, however, fails to illustrate the input image for the image display. Specifically, Spink fails to indicate an input for the display.

Spink discloses (col. 4, line 21-28) that a "control device may be connected to a controller (e.g. a video controller) for the additional information reflected in, in order, as a function of the respective setting of the output reflection . . . prisms and/or the deflection prism and/or the respective shutter setting and/or the respective observer wishes, to influence the image reflected in via a display".

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According to exemplary embodiments, as recited in claim 35 for example, the controller is configured to generate the image displayed by the first display of the first ocular system from a first input image based on the at least one optical setting of the first ocular system and from a second input image independent of the at least one optical setting of the first ocular system wherein the controller comprises an image combining unit for generating the image displayed by the first display.

Exemplary embodiments, therefore, disclose a controller generating the displayed image from two input images one of which is based on the optical setting and one of which is independent of the optical setting.

Similarly, claim 49 recites "displaying the first image of the object plane superimposed with the electronically generated first representation of the first input image and the electronically generated second representation of the second input image". The first image of the object plane is superimposed with both the representation of the first input image and the representation of the second input image.

In Spink, on the other hand, the controller generates a displayed image from one input image (although no input image is actually mentioned in Spink) which may be a function of the optical settings. There is simply no disclosure in Spink of two input images one of which is based on the optical settings and one of which is not (based on the optical settings) and is independent of the optical settings.

Exemplary embodiments disclose an image combining unit (unit 79 of Fig. 1).

Spink, therefore, fails disclose exemplary embodiments as recited in claims 35 and 49. At least for these reasons, it is believed that claims 15 and 28 are allowable over Spink.

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The remaining claims, all of which depend on one of allowable claims 35 and 49, are also allowable. The deficiencies of Spink, as highlighted above, are not overcome by Hoppl.

All of the rejections having been overcome, it is believed that this application is in condition for allowance and a notice to that effect is solicited. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is urged to contact the undersigned at the number listed below.

Respectfully submitted,

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